

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

ANDRE LAMONT CHARLTON

Movant,

v.

CIVIL ACTION NO. 5:05-00082  
CRIMINAL ACTION NO. 5:03-00200-2

UNITED STATES,

Respondent.

MEMORANDUM OPINION AND ORDER

The court is in receipt of a Stipulation of Voluntary Dismissal signed by Andre Lamont Charlton and John File, Assistant United States Attorney. (Doc. No. 98.) The court finds that this pleading constitutes a "Notice of Voluntary Dismissal by Stipulation" pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.<sup>1</sup> The signed pleading has been filed with the court and unequivocally evidences both movant's and respondent's intention to dismiss, without prejudice, the civil action in its entirety.

This court's endorsement is therefore not required by the Federal Rules of Civil Procedure. See Camacho v. Mancuso, 53 F.3d 48, 51 (4th Cir. 1995) (recognizing that a stipulated

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<sup>1</sup> The pertinent portion of Rule 41(a)(1) of the Federal Rules of Civil Procedure reads as follows: an action may be dismissed by plaintiff without order of the court... by filing a stipulation of dismissal signed by all parties who have appeared in the action.

dismissal under Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure does not require the entry of an order by the court).

The Clerk is **DIRECTED** to strike this civil action from the active docket of the court.<sup>2</sup> The Clerk is further directed to send copies of this Memorandum Opinion and Order to all counsel of record and movant, pro se.

It is **SO ORDERED** this 30<sup>th</sup> day of November, 2007.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
United States District Judge

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<sup>2</sup> By Standing Order, this case was initially referred to a magistrate judge for preparation of proposed findings and recommendation as to disposition. (Doc. No. 79.) To expedite this case's disposition, the court hereby **VACATES** the Standing Order, only as applied to this case.